

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
November 23, 2004**

Place: Room 206  
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:  
Damanti, Bigelow, Spain, Kenny, Conze

STAFF ATTENDING: Ginsberg, Keating  
COURT RECORDER: Beler

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The meeting was called to order at 8:00 pm by Mr. Damanti.

Mr. Damanti read the first two agenda items, and noted that they had been withdrawn:

**Amendment of Subdivision Application #544-A (6), Hart Investment Properties, LLC, 15 Morley Lane ("south lot")**. Request to modify previously approved plans. The subject property is located on the west side of Morley Lane, approximately 1000 feet north of its intersection with Redcoat Pass, and is shown on Tax Assessor's Map #63 as Lot #55, R-1 Zone.  
**WITHDRAWN.**

**Coastal Site Plan Review #199, Melissa Hubner, 9 Butler's Island Road**. Proposing to construct additions and alterations to the existing residence and perform related site development activities within regulated areas. The subject property is located on the north side of Butler's Island Road, at the northwest corner of its intersection with North Road, and is shown on Assessor's Map #67 as Lot #69, in the R-1 Zone.  
**WITHDRAWN.**

Mr. Damanti then read the next agenda item:

**Land Filling & Regrading Application #135, Joseph and Deborah Minichini, 10 Brown Street**. Proposing to relocate and reconfigure the existing driveway and perform related site development activities. The subject property is located on the east side of Brown Street, approximately 400 feet north of its intersection with West Avenue, and is shown on Assessor's Map #23 as Lot #2 in the R-1/3 Zone.

Mr. Mark Lebow of William W. Seymour and Associates represented Mr. and Mrs. Joseph Minichini. Mr. Minichini would like to move the driveway onto the public portion of the street, however, there is a title issue involved. Mr. Minichini would like to move the driveway from its current location to where he has fifteen feet of frontage on Brown Street. The Environmental Protection Commission (EPC) granted a permit for this last year, which is still valid. A variance from the Zoning Board of Appeals was granted last week. None of the work would take place in any regulated areas and no further applications or modifications would be needed.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 2

Mr. Spain asked if the driveway in question would be paved. Mr. Minichini replied that yes, it would be a paved driveway. Mr. Spain also commented that currently the vacant house is a nuisance to neighbors and a danger to children playing around it, especially the partially opened garage door. Mr. Minichini stated that difficulties and delays for zoning approvals, and issues regarding easements with a neighboring owner have been ongoing problems for several years and have caused many delays in starting the work on this property.

Mr. Conze then asked what size the side yard was, the concern being going into someone's private property while using the driveway. It was mentioned that the driveway does not need a variance, as the people living in the house have been using the driveway with no easement. Mr. Minichini stated that they are replacing the existing residence and moving his parents into it.

There being no other questions or comments, Mr. Spain made a motion to close the public hearing on this matter. Mr. Conze seconded that motion. That motion was unanimously approved by the Commission.

Mr. Damanti read the next agenda item:

**Land Filling & Regrading Application #134, Peter Greenberg d/b/a Able Construction, 10 Victory Drive.** Proposing to remove existing driveway and install a new driveway and perform related site development activities. The subject property is located on the south side of Victory Drive, approximately 100 feet southwest of its intersection with Glenwood Drive, and is shown on Assessor's Map #47 as Lot #73, R-1/3 Zone.

Mr. Peter Greenberg of Able Construction has proposed a two car garage constructed under the proposed new house at 10 Victory Drive. His garage would be in a location that is now currently a basement. The grade would have to be dropped down to do this. He said that the proposed new construction would improve conditions for drainage on his neighbor's property and will actually decrease it. He also mentioned that the driveway will be lined with Belgian block.

Mr. Denis O'Donnell, a neighbor from 2 Glenwood Drive, was concerned about the fact that Victory Drive is a private road and that Mr. Greenberg has no permission to establish a new driveway onto this private portion of Victory Drive. Victory Drive and Glenwood Road intersect and start into the private section of Mr. O'Donnell's property.

Mr. Spain mentioned that an issue to move, extend the driveway, or land fill the property should only be brought before P & Z. This matter between Mr. O'Donnell and his neighbors should be brought before P & Z for land fill application only. Since it is a private road, any other matters may need legal advice. Mr. Spain and Mr. Ginsberg also discussed the fact that a curb cut would change the property and may need a permit from Public Works Department.

Mr. Damanti moved to close the public hearing on this application. Mr. Spain seconded that motion. Commission members then noted that a member of the general public had entered the room and desired to speak. Mr. Spain then moved to re-open this application. Mr. Bigelow seconded it, and the public hearing was immediately re-opened.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 3

It was decided after opening this application again that documents regarding drainage for the property be given to Mr. Keating as well as letters from neighbors, Mr. Robert Oley and Mr. Gary Khachian. Mrs. O'Donnell asked the question that when construction on house is complete, will they be responsible for any damage to the street. Mr. Spain responded that this was not within the jurisdiction of the Commission.

There being no other questions or comments, at 8:25 pm, Mr. Damanti made a motion to close the public hearing. Mr. Spain seconded that motion. It was approved by a vote of 5-0, and the hearing was closed.

### **GENERAL MEETING**

#### **Informal discussion regarding 1089 Boston Post Road, CBD Zone.**

Request to establish high-end retail uses, such as a women's designer clothing closeout and consignment shop with accessories, in the space formerly occupied by Norwalk Savings Society at 1089 Boston Post Road.

Attorney Wilder Gleason was present, representing the owners. A discussion ensued between Mr. Gleason and Mr. Damanti regarding the request. Mr. Damanti stated that the P & Z Commission is usually very prompt in making decisions and approvals and that deadlines and information gathering is usually a four to six month process, which is true of any town making these decisions.

Mr. Gleason stated that he would like to avoid going through the parking variance step because the site in question (the former Norwalk Savings Society building) has been a non-conforming site for many years and has been used exclusively as a parking area for retail shops located there. He asked if the Commission would support a variance for non-specific use for retail parking and have the Zoning Board of Appeals change this. Both Mr. Spain and Mr. Damanti answered that there were different ways of solving parking problems and that they had been through this with Mrs. Penny Glassmeyer regarding the Grove Street Plaza project.

Mr. Spain and Mr. Gleason then discussed that site plans for property parking if use of the building is the same as before not have to re-apply for the same type of permit every time a new tenant gets in there. Mr. Gleason claimed that the ZBA should have broader thinking on this issue.

Mr. Damanti said that this problem might be solved by dedicating land for parking or that the ZBA be encouraged to have a broader interpretation on these matters. Mr. Bigelow believed that the high-end consignment store use is consistent with past retail uses of the site.

**Amendment of Coastal Site Plan Review #194, Flood Damage Prevention Application #6-A, Land Filling & Regrading Application #120, Robert & Debra Lee, 8 North Road.** Proposing to finish a portion of the basement and mudroom; relocating the HVAC units; and raising the mechanical equipment. The subject property is located on the southeast side of North Road, approximately 410 feet north of its intersection with Butler's Island Road, and is shown on Tax Assessor's Map #67 as Lot #74, R-1 Zone.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 4

Attorney Wilder Gleason was present, representing Mr. and Mrs. Robert Lee. The subject property in question as to interpretation of what is ground and basement level with regard to flood zone. Mr. Gleason pointed out architectural drawings indicating 48% of the mudroom and 48.5% of the basement as finished space. There is also an issue of screening this away from neighbors. Mr. Spain said that the map had been changed via the CLOMR and the architect has certified the numbers regarding finished space. Commission members decided to take this matter up at the end of the meeting, to allow them further time to consider the request.

**Amendment of Special Permit Application #37-B, Coastal Site Plan Review, Pear Tree Point School, 90 Pear Tree Point Road.**

Request removal of one dead oak tree within a regulated area.

Mr. Ginsberg outlined the request from the school, noting that an arborist has sent a letter noting that the tree is dead. It was agreed it would be appropriate to remove the dead tree within regulated area.

Mr. Damanti made motion to approve the request. Mr. Spain seconded that motion, which was approved by a vote of 5-0.

**Amendment of Special Permit Application #117, Noroton Presbyterian Church, 2011 Boston Post Road.**

Request to modify Special Permit regarding existing day care license.

Mrs. Barbara Geraghty was present representing Noroton Presbyterian Nursery School's request for Modification from 123-155 children to accommodate Tot Drop Program and anticipated need for increased enrollment in future. Mr. Damanti asked what was stated on the original Special Permit. Mr. Keating confirmed that the nursery school use goes back at least 40 years. Mrs. Geraghty stated that there were no documents filed either with State or Nursery School. Mr. Damanti then questioned the Certificate of Occupancy. Mrs. Geraghty stated that there were no numbers on it other than State License of a day care facility. Mr. Damanti then explained that the Fire Marshal, Building Official, and Zoning officials have to be involved in reviewing any request to expand.

Mr. Damanti then explained that the Commission must have a public hearing to increase the size of the Nursery School and to amend the Special Permit and that we would be opening a "Pandora's Box" if they did not do this.

Mr. Spain then brought up what impact this would have on the surrounding Residential community.

Mrs. Geraghty stated that the Tot Drop Program has been temporarily shut down because of no approval on this Special Permit and requested the Commission to give Noroton Presbyterian Nursery school a six month approval to operate and then come back for a Public Hearing. Mr. Spain then advised Mrs. Geraghty to make an application for a public hearing in January 2005, and advised her that there might be opposition. Mrs. Geraghty then stated that Tot Drop must be kept open (16 extra plus the 123 under the same program and increase to 155). A State approval document for child day care at Noroton Presbyterian was given to Mr. Keating to sign.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 5

A permit to operate Nursery School and Tot Drop Program for 139 children unanimously granted on a temporary basis. Mr. Ginsberg and Mr. Damanti will send a letter confirming this.

Mr. Damanti then read the next agenda item:

*Discussion and deliberations only on the following item (hearing closed on November 9):*

**Special Permit Application #66-J, Darien YMCA, 2420 Boston Post Road.** Proposing to replace existing racquetball and squash courts with group exercise rooms; replace and upgrade mezzanine in Wellness Center; enlarge and upgrade parking lot; amend operating hours; and perform related site development activities. Subject property is located on the south side of Boston Post Road, approximately 520 feet east of its intersection with Weeds Landing, and is shown on Tax Assessor's Map #53 as Lot #60, R-1/2 Zone.

Being a general meeting, this was solely a discussion among Commission members and staff. Mr. Ginsberg stated that this matter could be discussed at the January 2005 Meeting, as there is a January 11, 2005 deadline for this application.

Mr. Kenny stated that in reconfiguring the interior, he was concerned for safety on the mezzanine of the Wellness Center balcony and stairway. He suggested the YMCA should have a second stairway for safety egress.

Mr. Bigelow had no objection to the reconfiguration, but was concerned with the hours of operation and that this should have further consideration. He also had concerns about the parking and traffic on Post Road with regard to I-95. He mentioned that the morning and evening rush hours are the worst and that during these hours the traffic at the YMCA can become a serious issue.

Mr. Conze also agreed that the inside reconfiguration was not a problem and that the stairs and balcony are Building and Fire Marshal issues. As far as hours of operation, the swim team and high caliber swimmers who need to practice must do this in the early A.M. hours, as the YMCA has the only pool in town.

Mr. Conze continued with comments on the setback requirements. He did not believe that the neighbors around the YMCA should be allowed these extra large setbacks just because their houses bordered the YMCA. He felt these setbacks were more important for safety in parking on the Post Road. Mr. Conze believed that the YMCA parking lot has always been adequate and that people bought property when YMCA didn't operate seven days a week with longer hours. It was mentioned also that part of the problem was that mothers don't drop off kids for nursery school, but rather will park their cars and bring in younger children creating a parking backup.

Mr. Damanti said that the interior changes appear to be acceptable in his opinion. He did not want the change in use to increase the intensity of use. The YMCA needs to carefully manage its programs. There is now an allowance for the swim teams to have early hours.

Mr. Kenny said that the Swim Team was not the problem in the early A.M. and that lighting and noise were greater problems in the evening. These problems could be resolved by compromising

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 6

with the YMCA on hours and possibly limiting programs during the evening hours. No one has ever been hit crossing Post Road during any YMCA program or activity. Fencing and shrubbery should prevent lights going into neighbor's houses. Granting some parking on the east side of the property would get about 26 new parking spaces instead of the 50 requested.

Mr. Spain said that any resolutions should refer to the Stipulated Judgment. Mr. Spain stated that the YMCA still has to monitor parking use when they start new programs after the re-configuration and that they should trim back these programs if it does cause a parking overload. This should be a condition for approval on all three issues and the YMCA should operate temporarily for one year with new expansion and parking. If parking overflows, they might have to cut back on continuing programs.

At 9:50 pm, Mr. Damanti made a motion to continue this discussion at the January 4, 2005 Commission meeting. Mr. Conze seconded that motion, which was unanimously approved.

Mr. Damanti read the next agenda item:

*Discussion, deliberation and possible decisions on the following:*

**Special Permit Application #15-J, Wee Burn Country Club, 410 Hollow Tree Ridge Road.**

Proposing to demolish and replace current maintenance structures and perform related site development activities.

Mr. Damanti noted that Commission members had received a number of draft resolutions in their packets, and read them over the weekend.

Several concerns were stated with regard to site remediation. One was that the preference was to take the remediation off-site. Another suggestion was to do this on-site with microbial irradiation, but this would be very costly.

Mr. Damanti made a motion to adopt the resolution to grant the application with stipulations. Mr. Spain seconded that motion. The Commission then unanimously adopted the following resolution.

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 23, 2004**

Application Number: Special Permit Application #15-J

Tax Assessor's Map #7 Lot #66

Name and Address of Applicant  
and Applicant's Representative:

Robert F. Maslan, Jr., Esq.  
Maslan Brown & Associates  
9 Old King's Highway South  
Darien, CT 06820

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 7

Name and Address of Property Owner: Wee Burn Country Club Inc.  
410 Hollow Tree Ridge Road  
Darien, CT 06820

Activity Being Applied For: Proposing to demolish and replace current maintenance structures and perform related site development activities.

Property Location: Subject property is located on the north side of Hollow Tree Ridge Road, approximately 100 feet north of its intersection with Hanson Road.

Zone: R-2

Date of Public Hearing: October 5, 2004 continued to October 26, 2004

Time and Place: 8:00 P.M. Rooms 119 and 206 Town Hall

Publication of Hearing Notices

Dates: September 23, 2004

October 1, 2004

October 14 & 21, 2004

Newspaper: Darien News-Review

Norwalk Hour

Darien News-Review

Date of Action: November 23, 2004

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:  
December 2, 2004

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The application is to demolish the existing maintenance buildings and to construct new structures and related facilities and to perform related site development activities. The proposed work related to this project also includes relocating an existing drainage trench, general "clean up" of the entire area, filling some wetlands and performing wetlands mitigation.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 8

2. The Environmental Protection Commission (EPC) approved the plans at its October 20, 2004 meeting (EPC application #79-2004). The Architectural Review Board (ARB) approved the plans for the housing facility at its August 17, 2004 meeting. Those approvals are hereby incorporated by reference.
3. As noted by the applicant at the public hearing on this matter, no change in membership or general activities at the club is proposed as part of this application. There are also no proposed changes to the existing employee housing or the number of residents living within that housing now on the premises. Any changes to the nature of on-site uses would require an amendment of the existing Special Permit (review and approval by the Planning and Zoning Commission).
4. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
5. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Special Permit #15-J are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the plans submitted to and reviewed by the Commission:
  - Plan – “Grading & Utility Plan – Alternative 3; Wee Burn Country Club, Darien, Connecticut; 410 Hollow Tree Ridge Road, Darien, Connecticut,” by Edward J. Frattaroli, Inc., dated August 20, 2004.
  - Plans – “Wee Burn Country Club, Darien, Connecticut; 410 Hollow Tree Ridge Road, Darien, Connecticut,” by Edward J. Frattaroli, Inc., dated July 13, 2004.
  - “Site Plan”, Dwg. No. 1, scale: 1” = 20’
  - “Soil Erosion & Sediment Control Plan”, Dwg. No. 3
  - “Road Improvement Plan”, Dwg. No. 4
  - “Site Plan”, Dwg. No. 5, scale: 1” = 50’
  - “Site Plan”, Dwg. No. 6
  - *“Wee Burn Country Club Maintenance Building”, by The Princeton Companies, dated July 1, 2004, Sheets A0.1; A1.1; OP-1; A1.6; A1.7; A1.8; OP-1; A3.3.*
- B. As noted by the applicant, this application proposes no change or increase in the uses or membership in the Country Club of Darien. Any such proposals would require an amendment of the Club’s Special Permit, and action by the Planning and Zoning Commission.
- C. Any deliveries of chemicals and/or other potentially hazardous items to the maintenance facility area shall be done indoors, specifically in areas which have control drains



PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 9

installed, so as to minimize the impacts of any spills of hazardous materials. Storage of supplies, materials and equipment shall be entirely within the new, larger buildings. There shall be no exterior overnight parking of equipment or storage of supplies and/or materials.

- D. During the public hearing process, the applicant noted that two underground fuel tanks will be removed. Remediation will occur on-site. Soil will be removed, and clean fill brought on-site. If other contamination is discovered or identified, the applicant shall properly clean it up.
- E. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- F. After the project is complete, the applicant and/or property owner shall submit certification that the cleanup has been properly completed, and certification from a professional engineer that the buildings and associated drainage has been installed per the approved plans.
- G. The granting of this Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- I. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 22, 2005). This may be extended as per Section 1009.

All provisions and details of the plan, as approved, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records in order to finalize this approval within 60 days of this action or this approval shall become null and void.

Mr. Damanti read the next agenda item:

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 10

**Business Site Plan #96-H/Special Permit, Frank A. Miller, 1297-1335 Boston Post Road.**  
Proposing to raze existing veterinary clinic and construct a new parking area and perform related site development activities.

Mr. Damanti made a motion to adopt the resolution as written, to approve the application with conditions. Mr. Spain seconded that motion, which was unanimously approved.

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 23, 2004**

Application Number: Business Site Plan #96-H/Special Permit

Street Address: 1297-1335 Boston Post Road  
Tax Assessor's Map #39 Lots #18A & #19

Name and Address of Applicant: Frank A. Miller  
and Property Owner: 240 Jungle Road  
Palm Beach FL 33480-0431

Name and Address of Applicant's Representative: John Martucci, PE  
11 Hally Lane  
Colchester, CT 06415

Activity Being Applied For: Proposing to raze existing veterinary clinic and construct a new parking area and perform related site development activities.

Property Location: Subject property is located on the northwest side of Boston Post Road approximately 485 feet northeast of its intersection with Thorndal Circle.

Zone: SB Zone

Date of Public Hearing: September 28, 2004 continued to October 26, 2004

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices  
Dates: September 16 & 23, 2004  
October 14 & 21, 2004

Newspaper: Darien News-Review

Date of Action: November 23, 2004

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:  
December 2, 2004

Newspaper: Darien News-Review

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 11

- the proposed use and activities must comply with all provisions of Sections 660, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This project is to raze existing veterinary clinic and construct a new parking area and perform related site development activities. Part of the parking area will be paved—that area can accommodate 20+/- vehicles. An area for 12 additional vehicles will have a grass paver base. As part of this application, the applicant proposes to eliminate two existing curb cuts on Boston Post Road, which should eliminate the backing-up of any vehicles onto that road. This will improve traffic flow, thereby increasing safety in the area. New landscaping will be planted along the street, adjacent to a new stone wall to be installed. During the public hearing process, the applicant submitted revised plans relocating the driveway about sixty feet to the northeast, to improve an existing flooding problem.
2. The Environmental Protection Commission approved this project on August 11, 2004 (EPC #75-2004). An amendment was approved on October 20, 2004. That decision is hereby incorporated by reference.
3. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
4. The location and nature of the proposed use, the size and height of the building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
5. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
6. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
7. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 12

interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #96-H/Special Permit is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

1. Construction of the new paved parking area, overflow parking area and landscaping shall be in conformance with the plans entitled (as required to be modified herein):
  - Site Plan prepared for Jaguar of Darien #1297 Boston Post Road, by John R. Martucci, PE, scale 1"=20', dated July 14, 2004 and **last revised 10/20/04**.
  - 9-28-04 Modification prepared for Jaguar of Darien, scale 1 inch = 20 ft.
2. A mylar map shall be filed in the Darien Land Records consolidating the two existing parcels (Lot #18A and Lot #19) into one parcel. Prior to the filing, the Tax Assessor shall be consulted regarding the final lot number of the combined lot.
3. It is noted that Section 373 of the Darien Zoning Regulations do not allow the display of items for sale within the front yard setback. Since the front row of parking is within the front yard setback, revised plans shall be submitted noting that "No vehicles for sale shall be parked in this area". This row of parking shall be used for customer and employee parking only.
4. The proposed parking lot lighting shall match the existing lighting used on the Miller Automobile property. All lighting shall comply fully with Section 232 of the Darien Zoning Regulations.
5. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
6. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
7. A final as-built drawing and certification shall be submitted by a professional engineer confirming that the entire project, including the required drainage, has been properly completed.
8. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 13

other regulating agency. This includes, but is not limited to, a curb cut approval from the State of Connecticut Department of Transportation regarding curb cut changes on Route 1.

9. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 22, 2005). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action, including the filing of a mylar map to combine the lots, the submittal of revised plans including a note on parking in the front yard setback, and the filing a Special Permit form in the Darien Land Records, or this approval shall become null and void.

**Land Filling & Regrading Application #128, Robert & Catherine Barrett, 26 Great Hill Road.**  
Proposing to fill and regrade the back yard and perform related site development activities

Mr. Damanti made a motion to adopt the resolution as written to approve the application with conditions. Mr. Spain seconded that motion, which was unanimously approved by a vote of 5-0.

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 23, 2004**

Application Number: Land Filling and Regrading Application #128

Tax Assessor's Map #36 Lot #13

Name and Address of Property Owner: Robert & Catherine Barrett  
And Applicant: 26 Great Hill Road  
Darien, CT 06820

Name and Address of William W. Seymour & Associates  
Applicant's representative: 170 Noroton Avenue  
Darien, CT 06820

Activity Being Applied For: Proposing to fill and regrade the back yard and perform related site development activities.

Property Location: Subject property is located on the south side of Great Hill Road, approximately 525 feet north of its intersection with Tokeneke Road.

Zone: R-1/2 Zone

Date of Public Hearing: September 28, 2004 continued to October 26, 2004

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 14

Time and Place: 8:00 P.M.      Room 206      Town Hall

Publication of Hearing Notices

Dates: September 16 & 23, 2004

Newspaper: Darien News-Review

Date of Action: November 23, 2004

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:  
December 2, 2004

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to fill and regrade the back yard and perform related site development activities. The Commission notes that some of the work was started prior to receiving the required permits. A total of approximately 700 cubic yards of fill total will be placed in the back yard, bringing the yard up by six and one-half feet in certain locations. The submitted plans prepared by John Martucci, PE, last revised 10/11/04, show 10 high capacity infiltrator units proposed about 30 feet from the residence, and a perimeter drain proposed five feet from the south property line. These revised plans were submitted during the public hearing process to reflect the proposed drainage facilities to be installed.
2. A drainage report dated October 13, 2004 prepared by John Martucci, PE was submitted for the record during the public hearing process. A further clarification of that report, dated October 22, 2004 was subsequently submitted. That October 22, 2004 report specifically concludes that, "This proposal, as designed, will not increase the volume of runoff nor will it increase the peak rate of runoff." The Commission accepts that testimony from Professional Engineer Martucci.
3. The filling and regrading has been specifically designed so that the final grades will remain at the same grade or at a lower grade than the adjacent Joyce property to the east. This will ensure that the flow of water off of the Joyce property will remain unchanged.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 15

4. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling Application #128 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The filling and regrading shall be in accordance with the following plan submitted to the Commission entitled:
  - Grading Plan Plan (sic) prepared for Robert J. Barrett Catherine T. Barrett #26 Great Hill Road, prepared by John R. Martucci, PE, scale 1"=20', dated August 19, 2004 and last revised 10/11/04.
- B. Due to the minor nature of the project, the provision of a Performance Bond is hereby waived.
- C. The applicant/property owner has assured the Commission that if the drainage does not function properly, that the applicant/property owner will make any necessary changes or adjustments. On this basis, the property owner of the subject property shall have the continuing obligation to cause the drainage on and from the premises to perform as stated in paragraph 2 of this resolution. All drainage facilities to be installed shall be maintained by the applicant/property owner.
- D. Prior to receiving a Certificate of Zoning Compliance for the house addition, the applicant shall submit a letter from a Professional Engineer certifying that the required drainage has been properly installed, and is per the approved plans.
- E. Sediment and erosion controls shall be installed to properly manage storm water runoff and to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized. **This includes the installation of silt fence and orange construction fence along the Joyce property line to the east to ensure that no filling, regrading or related activity spreads onto the adjacent property.**
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

Name and Address of Property Owner: Aquarion Water Company of CT  
1 Canal Street  
Westport, CT 06880



PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 17

Activity Being Applied For: Proposing to install wireless telecommunications antennas on an existing water tank and to install an equipment shelter/storage building at the base of the tower and perform related site development activities.

Property Location: Subject property is located on the south side of Tower Drive approximately 200 feet east of its intersection with Mansfield Avenue.

Zone: R-2

Date of Public Hearing: October 26, 2004

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: October 14 & 21, 2004

Newspaper: Darien News-Review

Date of Action: November 23, 2004

Action: GRANTED WITH  
STIPULATIONS

Scheduled Date of Publication of Action:  
December 2, 2004

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 950 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. A similar application for Nextel Communications was approved on October 16, 2001 as part of Special Permit Application #221-A. The work did not proceed and that Special Permit expired.
2. Nextel Communications is fully licensed in the State of Connecticut. The proposed antennae are proposed to be affixed at elevation 86'6" +/- within the water tank enclosure. This location is twelve feet lower than the AT&T wireless PCS antennas at elevation 98' +/-, approved in Special Permit #221. The installation of a GPS antenna is also proposed. Any changes to the antenna(s) will require an amendment of this Special Permit.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 18

3. The proposed unmanned equipment shelter will be placed in a 12' x 20' x 10'6" high equipment shelter/storage building adjacent to the water tank. The shelter as proposed by the applicant, will be a grayish brown color. An eight-foot high wood stockade fence will be placed around that shelter as required by Section 953.2 of the Darien Zoning Regulations. A double row of ten-foot high arborvitae are proposed to be placed around the fence (shown on the Plot Plan and the Site Detail Plan). At the public hearing, Nextel noted that it will be responsible for maintenance of the shelter, and the stockade fence around it.
4. The applicant noted that other alternatives for antenna locations in this area were examined. However, in order to provide Nextel Communications coverage to the northern Mansfield Avenue area, this was determined to be the optimal location. With the installation of these antennas, Nextel will provide coverage to nearly the entire Town of Darien.
5. According to the submitted report, the Radio Frequency (RF) emissions from the antennae, as proposed, comply fully with all federal standards.
6. Most of the monitoring of these antennae and related equipment will occur off-site. Therefore, there will be very little activity at this site. Most likely, this will involve a monthly visit by a maintenance technician.
7. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
8. The location and nature of the proposed use, are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
9. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Special Permit #221-E is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Installation of the antennae and equipment shall be in accordance with the plans entitled:
  - Nextel Communications CT-3606 Tower Drive, by Tectonic Engineering & Surveying Consultants, last revised 9/16/04, Sheet Numbers TZ-1, CZ-1, CZ-2, and SZ-1.

It is specifically noted that the new cutouts in the tower shall match the existing water tower enclosure with respect to color, texture, reflectivity and other visual characteristics.

- B. At the public hearing, a representative from Aquarion Water Company noted that the specific location of the ten foot high arborvitae landscaping around the shed is critical. Therefore,

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 19

after the shed is installed, but prior to the installation of the landscaping, the applicant or his representative shall meet with the Planning & Zoning Director on-site to determine the final location of the plantings. If it is discovered that due to existing field conditions that the proposed landscaping is not appropriate (such as the existence of tank drains and water mains, and the need for possible future maintenance of the tower), the Planning & Zoning Director shall work with the applicant's landscape architect on revised plantings/landscaping of a similar nature to screen the stockade fence around the equipment shelter. It is specifically noted that no tree cutting was requested as part of this application, and none is approved. It shall be the continuing obligation of Nextel and the property owner to maintain and as necessary, trim and/or replace these plantings so as to achieve the required screening effect consistent with this resolution and the Director's final approval of the plantings.

- C. The shed shall be designed to blend in with its natural surroundings. It is noted that most of the shed will be behind an eight-foot high stockade fence, which is behind arborvitae landscaping ten feet high.
- D. RF emission testing shall be conducted within 30 days of the antennae becoming operational. Actual instrument measurements of the signal shall be taken at the same locations as the chart presented in the application once the antennae are "on-air". Within fourteen days of the test results, they shall then be filed with the Planning and Zoning Department, along with a statement from an independent qualified inspector that these are the actual emission signal levels measured on a clear day, and that they fall within FCC requirements. The RF emissions shall comply at all times with all applicable FCC standards.
- E. Nextel Communications shall comply fully with all provisions in the current lease (excerpts of which have been submitted as part of the application) regarding equipment operations and maintenance. Due to the Commission's policy to encourage co-location, the lessor cannot give Nextel Communications exclusive rights to situate antenna(e) in this location.
- F. As discussed at the public hearing, in order to minimize impacts to the adjacent properties to the south and west, Nextel and/or Aquarion Water Company shall install 120 feet of six-foot high stockade fencing immediately adjacent to the west property line, and plant ten-foot high evergreens on the north, south, and west sides of the proposed equipment shelter/storage building. It shall be the continuing obligation of Nextel and the property owner to ensure that the plantings and fence are maintained. The Commission is not requiring the applicant to install any other plantings or landscaping on the site.
- G. An as-built certification shall be submitted upon completion of construction, per Section 953.9 of the Darien Zoning Regulations.
- H. Due to past safety and security problems with other construction work at the site, during this project no parking of vehicles or storage of equipment shall occur outside of the gate at the Tower Drive entrance to the property.
- I. Because the antennae will be fully enclosed in the water tower, and involves no new tower construction, the Commission hereby waives the requirement for posting of a bond.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 20

- J. As explained by the applicant, these antennae and their emissions are not expected to cause any electro-magnetic, radio, telephone or TV interference.
- K. A detailed procedure to deal with complaints about radio, telephone, television and other consumer electronic equipment was developed by Nextel Communications and submitted as part of the application materials. That Complaint Procedure (Exhibit D of the application) shall be filed with the Selectmen's Office. The purpose of this procedure is that citizens will have a contact person at Nextel Communications and prompt action will be taken by Nextel Communications to remedy any interference caused by, or reasonably attributed to, the communications system.
- L. This permit will last for the extent of the lease. If, however, during the term of the lease, or any renewal thereof, the operation of the facility creates electro-magnetic, radio, telephone or television interference problems, Nextel Communications shall immediately take all steps necessary to correct and eliminate any interference. If such interference cannot be eliminated within forty-eight hours after receipt of written notice of existence of such interference, Nextel Communications shall discontinue use of the equipment. If repeated interference problems occur which the Commission deems unacceptable, the Commission reserves the right to review, and if appropriate, terminate this Special Permit.
- M. If the telecommunications facility ceases operations at the water tower or is abandoned by Nextel, Nextel shall immediately notify the Planning and Zoning office thereof and remove all antennae and all related equipment and structures, and notice thereof shall be furnished to the Planning and Zoning Commission upon completion of same.
- N. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- O. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- P. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (November 22, 2005). This may be extended as per Section 1009.

All provisions and details of the plan, as approved or as required herein to be amended, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials (including revised plans) shall be submitted to the Planning and Zoning Commission, and a Special Permit form filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

**Amendment of Business Site Plan #200-D/Special Permit, V&M, LLC, d/b/a Pizza, Pasta & Brew, 20 Center Street aka 33 Tokeneke Road.** Proposing to remove an existing planter wall and

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 21

construct a new wall, and to establish an outdoor seating area.

There was a discussion of the type of umbrellas in the seating area and the reinstallation of similar plantings on the planter wall. Mr. Kenny made a motion to approve the draft resolution as amended. Mr. Conze seconded the motion, which was approved by a vote of 5-0.

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 23, 2004**

Application Number: Amendment of Business Site Plan #200-D/Special Permit

Street Address: 20 Center Street aka 33 Tokeneke Road

Tax Assessor's Map #72 Lot #45

Name and Address of Property Owner: Elide, LLC  
27 Royle Road  
Darien, CT 06820

Name and Address of Applicant: V&M, LLC d/b/a Pasta, Pizza & Brew  
31 High Street  
Norwalk, CT

Name and Address of  
Applicant's Representative: D.B. Hill, Esq.  
Gleason Hill & Ambrette, LLC  
23 Old King's Highway South  
Darien, CT 06820

Activity Being Applied For: Proposing to remove an existing planter wall and construct a new wall, and to establish an outdoor seating area.

Property Location: The property is located between Center Street and Tokeneke Road, approximately 260 feet east of the intersection of Tokeneke Road and Boston Post Road.

Zone: CBD

Date of Public Hearing: October 26, 2004

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices  
Dates: October 14 & 21, 2004

Newspaper: Darien News-Review

Date of Action: November 23, 2004

Action: GRANTED WITH STIPULATIONS

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 22

Scheduled Date of Publication of Action:

December 2, 2004

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 650, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use is described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to remove an existing planter wall and construct a new wall, and to establish an outdoor seating area. The outdoor seating area will consist of three tables and up to 12 seats in an 130 square foot area on the Center Street side of the building. They will be placed upon a flagstone patio. There will be wait service to those tables. Thus, this restaurant is proposed to have indoor seating, take-out service, and outdoor dining. This application is a requested amendment of a previous Business Site Plan/Special Permit for this property, which specifically did not allow outdoor dining in this location.
2. There are now 28 seats inside the restaurant. This application proposes seating for 12 people outdoors. At the public hearing, it was noted that there is currently no awning or overhang above these tables and chairs, and none is proposed. The application as designed, does not encroach on the adjacent Town property. The applicant noted during the public hearing that they would be willing to re-install plantings on the front of the wall if required by the Commission.
3. No umbrellas, awnings or other coverings are proposed, and none are allowed at this time.
4. During the public hearing, it was noted by the applicant's representative that the project is exempt from parking requirements under Section 1057 of the Darien Zoning Regulations, because in 1985, as part of Business Site Plan #200/Special Permit, a portion of the Site to the rear of the established Building Line was donated to the Town for future parking purposes. Thus, the site is exempt from the typical requirement for on-site parking spaces. The 1985 approval by the Commission did warn that the intensity of the uses approved at that time appeared to be the maximum that the site conditions could bear.
5. The Architectural Review Board (ARB), at its meeting of October 19, 2004, approved the proposal. That approval is hereby incorporated by reference. The ARB required that the new patio shall match the existing flagstones, the new enclosure walls shall match the

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 23

existing brick in color, texture and grouting and the new enclosure rail shall match the existing black wrought iron railing in design.

6. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
7. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
8. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
9. The nature of the proposed changes and uses are such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.

NOW THEREFORE BE IT RESOLVED that Amendment of Business Site Plan #200-D/Special Permit is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Installation of the outdoor dining area shall be in accordance with the following plan:
  - Floor Plan – Proposed Outdoor Dining, by Rick A. Corbo, Architect, scale  $\frac{1}{4}"=1'-0"$ , dated 13 Aug 2004, and last revised 08-19-04.
- B. The applicant stated during the public hearing that he would reinstall plantings west of the wall, similar to those now on top of, and in front of the wall. That requirement is hereby part of this approval. Prior to construction, the applicant shall submit a landscape plan to be reviewed and acted upon by the Planning and Zoning Director, and Assistant Director of Public Works (since the plantings would be on Town property).
- C. The maximum hours of operation of the restaurant shall continue to be from 11am to 12 midnight. The outdoor seating will have hours of operation from 11am to 11pm. As presented by the applicant, no dinner will be served outside after 10pm.
- D. During construction, the applicant shall take great care to not disturb existing Town property, or neighboring businesses.
- E. If the applicant desires any proposed umbrellas for the tables, they shall be designed to comply with the applicable Zoning Regulations and is subject to review and action by the Architectural Review Board, prior to use or installation.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 24

- F. All of the conditions in the prior approval for this restaurant (Business Site Plan #200-D/Special Permit approved on January 14, 2003), are still applicable, and in full force and effect.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to, final approval from the State Liquor Commission. During the public hearing, it was noted that the State Liquor Commission may require a new gate and/or door to this outdoor dining area. Once a final design has been approved by the State Liquor Commission, a specific plan showing the location, design, style, and dimensions of such gates and/or doors shall be submitted to the Planning & Zoning Director for review and action.
- I. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 22, 2005). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plan, as modified herein, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. Within 60 days of this action in order to finalize this approval, a Special Permit form shall be filed in the Darien Land Records or this approval shall become null and void.

**Any Public hearing matters closed on November 23, 2004.**

Commission members briefly discussed the two public hearing matters closed earlier in the evening. They all confirmed that they have no issues with the 10 Brown Street application. They noted that the main issue on 10 Victory Drive is whether the driveway can be constructed on the private part of the road. They noted that this was not part of the Commission's jurisdiction to decide. It was concluded that these two items will be on the agenda for decision at the Commission's next meeting on January 4, 2005. Commission staff will draft resolutions for each.

**Approval of Minutes**

*November 9, 2004      Public Hearing/General Meeting*

Mr. Bigelow made a motion to approve minutes with minor typographical corrections of the November 9, 2004 meeting. Mr. Kenny seconded that motion, which was passed by a 4-0 vote. Mr. Conze abstained, as he was not at the meeting.



PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
NOVEMBER 23, 2004  
PAGE 25

**Any Other Business (requires two-thirds vote of Commission).**

Commission members voted to go into other business to discuss one item:

**Amendment of Coastal Site Plan Review #194, Flood Damage Prevention Application #6-A, Land Filling & Regrading Application #120, Robert & Debra Lee, 8 North Road.** Proposing to finish a portion of the basement and mudroom; relocating the HVAC units; and raising the mechanical equipment. The subject property is located on the southeast side of North Road, approximately 410 feet north of its intersection with Butler's Island Road, and is shown on Tax Assessor's Map #67 as Lot #74, R-1 Zone.

Mr. Bigelow confirmed that the numbers provided by the architect were correct. Mr. Spain then made a motion to approve the amendment. That motion was seconded by Mr. Conze, and unanimously approved.

**2005 Town Plan of Conservation & Development**

Discussion of draft of the Community Facilities Chapter (Chapter 8) and Appendix.

A brief discussion regarding proposed graphics for the land use chapter and work on Town Plan accomplished up to this point.

A brief discussion was held on when the Town Plan would be ready for a Public Hearing. Mr. Ginsberg stated possibly in late spring, May or June. Commission members asked Mr. Ginsberg to start notifying interested parties about the need to start reviewing draft chapters, in anticipation of the final draft of the entire document being ready for a public hearing sometime after May. This will allow for sufficient time for review. Mr. Ginsberg noted that all draft chapters written thus far have been put on the Town web site.

The meeting was adjourned at 10:35 PM.

Respectfully Submitted,

Jeremy B. Ginsberg  
Planning & Zoning Director